IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Crl.MC.No. 2323 of 2007()

CRIME NO.7/07 OF TOWN POLICE STATION, KOZHIKODE
AGAINST THE JUDGEMENT/ORDER IN BA.3141/2007 Dated 31/05/2007

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PETITIONER: ACCUSED:

HUSSAIN, AGED 22 YEARS,
S/O. SULAIMAN, THAIKANDY PERAMBA,
P.O. PUTHIYANGADI, KOZHIKODE DISTRICT.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTING C.I. OF POLICE, TOWN POLICE STATION,
KOZHIKODE, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2323 of 2007

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Dated this the 24th day of July, 2007

O R D E R

The petitioner, who faces allegations under Section 302 I.P.C., has been granted regular bail, subject to conditions. He is now aggrieved by one of the conditions imposed by this Court. There was a direction that the petitioner must execute a bond for Rs.10,000/- with two solvent sureties, one of whom shall furnish solvency certificate for the said amount. According to the petitioner, the petitioner has only his mother and wife to stand sureties for him. They do not have any properties. They cannot hence get solvency certificate. If insistence were made for production of solvency certificate by either of them, the petitioner will be compelled to remain in custody. He is, in fact, in custody from 3.4.2007 as he was not able to comply with the direction.

2. The learned counsel for the petitioner submits that the petitioner shall ensure that he as also the two sureties concerned would deposit an amount of Rs.10,000/- each. That would make the bond as efficacious as a bond which is to be executed by the sureties as per the conditions imposed. A lenient view may be taken

and the sad scenario of the petitioner continuing in custody even after securing bail on 31.5.2007 may be avoided, submits the counsel.

3. The learned Prosecutor opposes the application. But notwithstanding the opposition I am satisfied that the request of the petitioner can be accepted and the prayer can be allowed.

4. This Crl.M.C. is accordingly allowed. It is directed, considering the change in circumstance that the petitioner has not been able to avail of the benefit of the order dt. 31.5.2007, that it shall be sufficient if the petitioner and the two sureties deposit an amount of Rs.10,000/- each and execute the bond. Production of solvency certificate need not be insisted.

(R. BASANT)
Judge

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